

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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SCOTT F. ICEBERG,

Plaintiff,

v.

Case No. 11-10336

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S APPLICATION TO  
PROCEED *IN FORMA PAUPERIS* ON APPEAL AND GRANTING PLAINTIFF'S  
COUNSEL'S MOTION TO WITHDRAW**

Plaintiff applies to proceed *in forma pauperis* on appeal. Under Federal Rule of Appellate Procedure 24(1)(C), a party applying to proceed *in forma pauperis* for the first time on appeal must provide the district court with an affidavit that "states the issues that the party intends to present on appeal." No previous application to proceed *in forma pauperis* appears on the docket, and Plaintiff provides no statement of issues. Accordingly,

IT IS ORDERED that the application to proceed *in forma pauperis* on appeal [Dkt. # 41] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that, in accord with her unopposed motion [Dkt. # 42], which is GRANTED, Plaintiff's counsel may withdraw.

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s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 17, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 17, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522